

## Overview

- Background
- Flexibility Amendments
- Clarifying Amendments
- Next Steps





## Regulation Status

- Adopted by the Air Resources Board December 2005
- Approved by the Office of Administrative Law December 1, 2006
- Became effective December 31, 2006
- Applying for a U.S. EPA authorization
- Implementation began in January 2007

## **Applicability**

- Regulation applies to:
  - mobile equipment with diesel engines used at ports and intermodal rail yards
- Regulation does not apply to:
  - portable diesel engines or equipment
  - equipment used for fuel delivery or to transport personnel
  - equipment brought in temporarily for construction projects or special jobs/repairs not planned or due to predictable process upsets

## Implementation Status

- In-Use equipment brought into compliance:
  - 55 percent of yard trucks
  - 30 percent of non-yard truck equipment
- Cargo Handling Equipment on track for full compliance by 2017:
  - Yard trucks w/off-road engines: 2015 or 2016 (w/VDECS)
  - Yard trucks w/on-road engines: 2016 or 2017 (w/VDECS)
  - Non-yard truck equipment: 2013

## Reasons for Amendments

- Address issues encountered during implementation of the cargo handling equipment regulation:
  - Provide additional flexibility
  - Clarify language

Flexibility
Amendments

**Flexibility Amendment Concepts** 

#### No VDECS Available

- Allow an additional 2-year compliance extension for in-use (non-yard truck) equipment where no VDECS is available:
  - Currently, after the second year of the compliance extension, if no VDECS available, equipment needs to be replaced
  - Market small, limited VDECS activity
  - Current economic situation favor retrofit over replacement
  - Additional compliance extension allows time for verifying new VDECS

**Flexibility Amendment Concepts** 

## Safety Extension

- Add compliance extension for cases where VDECS creates a potential safety hazard:
  - Line-of-sight issue associated with the installation of VDECS for some equipment
  - CalOSHA and ARB working together to address this issue via amendments to the off-road regulation
  - Planning to evaluate solution for inclusion in Cargo Handling Equipment Regulation.

**Flexibility Amendment Concepts** 

### Non-yard truck equipment transfers

- Allow non-yard truck equipment transfers from port-to-port or rail yard-to-rail yard:
  - Some equipment owners/operators have multiple facilities in the State
  - Provide flexibility for those owners/operators to move their non-yard truck equipment between locations
  - Equipment transfers not to comply or delay compliance with regulation
  - ARB will review and approve equipment transfer plans

**Flexibility Amendment Concepts** 

## Low Use Compliance Extension

- Add compliance extension for non-yard truck equipment operated less than 150 hours per year:
  - Flexibility for equipment that is rarely used
  - Tiered system: duration of extension tied to the number of hours equipment used annually

**Flexibility Amendment Concepts** 

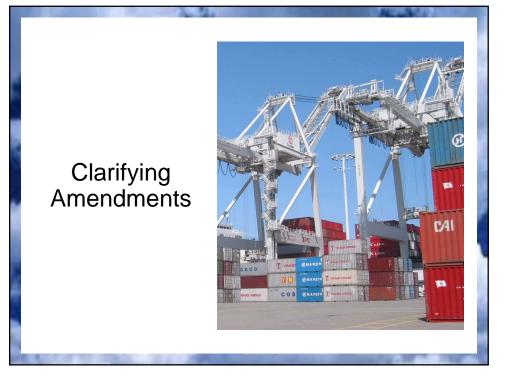
#### Manufacturer Delays for New Equipment

- Allow rental of equipment not meeting current standards for maximum of six months if:
  - equipment meeting current standards are not available for rent,
  - owner/operator can demonstrate need for equipment, and
  - owner/operator only rents equipment meeting the immediately preceding standard (i.e. if Tier 4 engines are required, only Tier 3 equipment would be allowed)

**Flexibility Amendment Concepts** 

## Warranty Replacement

- Allow warranty replacement with the same engine type in cases of premature engine failure:
  - Replace failed engines, still under warranty, with like engines, even when new engine emissions standards are place



**Clarifying Amendment Concepts** 

# Clarify and Add Definitions

- Clarify definitions:
  - "newly purchased, leased, or rented"
  - "cargo handling equipment"
  - "compression ignition"
- Add definition:
  - "water-borne commerce"

**Clarifying Amendment Concepts** 

## Definition of "Port"

- Clarify applicability by revising definition of "port":
  - Clarify that non-port related businesses operating at a port are subject to the Cargo Handling Equipment Regulation

**Clarifying Amendment Concepts** 

# Equipment for Construction or Unexpected Repairs

 Clarify that equipment brought in for construction or unexpected repairs are not subject to regulation

**Clarifying Amendment Concepts** 

# New Technologies Must Meet Current Standards

- Clarify all new diesel engines, including those used in new technologies, must meet the regulation standards.
- New technologies could include:
  - Hybrids
  - Alternately fueled equipment

## Questions/Comments/Ideas

- Discuss proposed amendments.
- Other amendments we should consider?

## **Next Steps**



- Stakeholder Input
- Draft Regulatory Language
- Update CHE Emissions Inventory
- Emissions and Economic Impacts Analyses
- Next Public Workshop Early 2011
- Tentative Board Hearing April 2011

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